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Identical letters dated 17 October 2016 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith a copy of the letter dated 14 October 2016 from the Minister for Foreign Affairs of the Republic of Iraq, Ibrahim Al-Jaafari, addressed to the President of the Security Council regarding the Turkish military incursion into Iraqi territory (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Council.

(*Signed*) Mohamed Ali **Alhakim**
Ambassador
Permanent Representative

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Annex to the identical letters dated 17 October 2016 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Iraq is currently waging a war against global terrorism in order to defend itself and all the States of the world. Its army and various security forces are engaged in momentous battles against Islamic State in Iraq and the Levant (ISIL), which is in control of certain Iraqi cities. On 3 December 2015, Turkish military forces comprising hundreds of soldiers and a number of tanks and armoured vehicles crossed the internationally recognized borders of Iraq and penetrated some 110 km into its territory. They set up camp in the Ba'shiqah region, near the city of Mosul, in northern Iraq. Those military movements were executed without prior consultation and coordination with the federal Government of Iraq and are therefore an act of aggression under the Charter of the United Nations and the relevant provisions of international law.

In its letter of 25 June 2014 addressed to the Secretary-General (S/2014/440) and its letters of 20 September 2014 (S/2014/691) and 11 December 2015 (S/2015/963) addressed to the President of the Security Council, Iraq stressed that the military training, advanced technology and weapons it needs to fight the ISIL terrorist entity must be provided in accordance with the relevant bilateral and multilateral agreements, with full respect for the national sovereignty and Constitution of Iraq, and in coordination with the Iraqi armed forces. Accordingly, Iraq rejects, strenuously opposes and condemns in the strongest possible terms any military movements aimed at countering terrorism that are executed without prior consultation with the federal Government of Iraq and without its approval.

In its letter of 11 December 2015, Iraq called on the Security Council to shoulder its responsibility to maintain international peace and security pursuant to Articles 24 and 34 of the Charter by protecting Iraq and preserving its security, sovereignty and territorial unity and integrity, which Turkish forces violated when they entered Iraqi territory without the knowledge or approval of the federal Government of Iraq. We also called on the Security Council to order Turkey to withdraw its forces immediately and to ensure, by all available means, that those forces retreat immediately and unconditionally to the internationally recognized border of the two countries. Unfortunately, the Security Council did not take any action to fulfil the legitimate request of Iraq calling for the retreat of those forces to the internationally recognized border.

In that same letter, Iraq reaffirmed that it believed that disputes should be resolved through dialogue. It also stressed that it was highly desirous of preserving good-neighbourly relations and mutual respect with Turkey, and had therefore attempted to control the situation through diplomatic means and bilateral discussions. However, those efforts have failed to persuade Turkey to withdraw its forces, which are occupying Iraqi territory.

Pursuant to the Charter, Article 52, concerning the peaceful settlement of disputes through regional organizations, the Council of the League of Arab States, meeting at the level of ministers of foreign affairs in extraordinary session on

24 December 2015 in Cairo, adopted resolution No. 7987. In that resolution, the Council of the League condemns the Turkish Government for the incursion of its forces into Iraqi territory; considers the incursion to be a violation of the sovereignty of Iraq and a threat to Arab national security; and demands that the Turkish Government immediately and unconditionally withdraw its forces from Iraqi territory. The Council of the League reaffirmed that position in its resolution No. 653, which it adopted at its twenty-seventh ordinary session at the summit level on 25 July 2016 in Nouakchott. Unfortunately, the Turkish Government has not complied with either of those resolutions.

Turkey has claimed that Iraq has harboured members of the Kurdish Workers Party (PKK). Those claims are not true. On 21 March 2013, Turkey signed a so-called peace agreement with Abdullah Ocalan, the leader of PKK. One of the paragraphs of that agreement provides that the armed members of that group would move into Iraqi territory. When that agreement was signed, Iraq condemned that paragraph and considered it to be an infringement of its sovereignty and a threat to security and peace in Iraq and the region. It also sent a letter of protest on 16 May 2013 to the League of Arab States and the United Nations. Yet, now, Turkey justifies its presence in northern Iraq by stating that it is pursuing the very same PKK that, in 2013, it demanded should withdraw to Iraq under the terms of the above-mentioned peace agreement.

Iraq is now engaged in a momentous battle to liberate Mosul from the clutches of the terrorist entity ISIL. Owing to tactical considerations related to the rules of engagement that the various Iraqi forces tasked with liberating Mosul will follow, and given that the Turkish forces are situated near the battle lines with the forces of the terrorist organization ISIL in the absence of a request from the Iraqi Government or its authorization, those forces will treated as being non-friendly forces and, when absolutely necessary, will be dealt with in accordance with the provisions of the Charter, Article 51, which provides that States have the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations. The Security Council will be notified immediately of any measures taken in exercise of the right of self-defence set out in Article 51.

In conclusion, I should like to reiterate my Government's call on the Security Council to fulfil its role and ensure, by all available means, that the Turkish forces retreat immediately and unconditionally to the internationally recognized border of the two countries.

(*Signed*) Ibrahim **Al-Jaafari**
Minister for Foreign Affairs of the Republic of Iraq